

Application No. : 09/815,982  
Filed : March 22, 2001

#### REMARKS

Claims 1-8, 10-14, 19-24, 36, 38 and 41-54 were pending in the application. By this paper, Applicant has amended Claims 1, 2, 4, 7, 8, 19, 36, 38, 45, 49 and 53, and added new Claims 55-58. Accordingly, Claims 1-8, 10-14, 19-24, 36, 38 and 41-58 are presented herein for examination.

#### *Request for Continued Examination (RCE)*

Applicant has filed herewith an RCE to further prosecute the instant application.

#### *§102 Rejections*

**Claims 1, 8 36, 45 and 49** – In response to the Section 102 rejections set forth in pars. 3-5 of the Office Action, Applicant has herein amended independent Claims 1, 8, 36, 45 and 49 to include limitations relating to positioning a pressure sensor. Support for these limitations is found at, *inter alia*, page 35, line 27 through page 36, line 9, of Applicant's specification as filed. Applicant submits that none of Wilson (5,280,787), Soursa (5,363,849), Stewart (4,721,113), or Adam (5,701,898) teach or even remotely suggest a pressure sensor (e.g., pressure transducer), let alone positioning the pressure sensor based directly or indirectly on vessel location. Adam indirectly teaches use of blood flow velocity to determine pressure (“...but also estimations of pressures across valve orifices and stenotic arteries.”); however, Adam in no way teaches or suggests use of a pressure sensor or positioning the sensor.

Accordingly, none of the foregoing references can as a matter of law anticipate (or in combination render obvious) Applicants inventions as set forth in amended Claims 1, 8, 36, 45 and 49 since none of these references teach or suggest a pressure sensor or positioning the sensor based on vessel location.

Hence, Applicant submits that these claims, and all that depend therefrom, are in condition for allowance.

**Claim 19** – By this paper, Applicant has amended independent Claim 19 to include limitations relating to (i) a pressure sensor; (ii) apparatus adapted to move the pressure sensor;

and (iii) a controller, operatively coupled to the apparatus adapted to move, the controller positioning the pressure sensor based at least in part on the location of the lumen. Support for these limitations is found at, *inter alia*, Fig. 9, and pages 35 and 36 generally of Applicant's specification as filed. Applicant submits that none of Wilson (5,280,787), Soursa (5,363,849), Stewart (4,721,113), or Adam (5,701,898) teach or even remotely suggest a pressure sensor (e.g., pressure transducer), positioning the pressure sensor based directly or indirectly on vessel location, or apparatus (or a controller) adapted to move the pressure sensor. Accordingly, none of the foregoing references can as a matter of law anticipate (or in combination render obvious) Applicants invention as set forth in amended Claim 19 since none of these references teach or suggest a pressure sensor or positioning the sensor based on vessel location, or the aforementioned apparatus.

Hence, Applicant submits that Claim 19, and all claims that depend therefrom, are in condition for allowance.

**Claims 46 and 51** – Applicant respectfully traverses the Examiner's Section 102 rejections of Claims 46 and 51. Specifically, the Examiner provides absolutely no support for any of the cited references teaching or suggesting applanation (e.g., purposeful compression) of tissue surrounding the blood vessel (or apparatus adapted to applanate), as recited in Applicant's Claim 46 (and 51). See par. 4 of the Office Action, wherein the concept of tissue compression is not even discussed by the Examiner. Applicant notes that incidental compression of tissue by placing an ultrasound sensor against the skin does not comprise the purposeful applanation recited in Applicant's claimed inventions.

None of Wilson (5,280,787), Soursa (5,363,849), Stewart (4,721,113), or Adam (5,701,898) teach or even remotely suggest such applanation.

Accordingly, none of the foregoing references can anticipate (or in combination render obvious) Applicants inventions as set forth in amended Claims 46 and 51 since none of these references teach or suggest such purposeful applanation.

Hence, Applicant submits that Claims 46 and 51, and all that depend therefrom, are in condition for allowance.

**Claim 53** – Applicant has herein amended independent Claim 53 to include limitations relating to purposely compressing the tissue surrounding at least a portion of the vessel so as to collapse interposed vessels. Support for these limitations is set forth at, *inter alia*, page 38, lines 12-22 of the Applicant’s specification as filed. None of Wilson (5,280,787), Soursa (5,363,849), Stewart (4,721,113), or Adam (5,701,898) teach or even remotely suggest such compression to collapse interposed vessels.

Accordingly, none of the foregoing references can anticipate (or in combination render obvious) Applicants inventions as set forth in amended Claim 53 since none of these references teach or suggest such compression/collapse.

Hence, Applicant submits that Claim 53, and all that depend therefrom, are in condition for allowance. See also new Claim 58.

*§103 Rejections*

**Claim 38** - In response to the Section 103 rejection of independent Claim 38 over Wilson in view of Adam (see par. 7 of the Office Action), Applicant has herein amended Claim 38 to include limitations relating to a pressure transducer in addition to the recited first transducer. Neither Adam nor Wilson teach a pressure transducer of any kind. Adam ostensibly teaches the measurement of pressure (see discussion of Adam above); however, Adam’s measurement of pressure is via blood flow velocity. In contrast, Applicant’s invention uses the recited pressure transducer to measure blood pressure. Hence, Adam in fact clearly teaches away from Applicant’s invention of Claim 38, since Adam (i) in no way teaches or suggest use of a pressure transducer, and (ii) teaches only measurement of pressure using velocity.

Accordingly, the Examiner cannot credibly combine these two references to render Applicant’s invention obvious, since a) not all elements of Claim 38 are taught or suggested by these references (alone or in combination), and b) there is clear “teaching away”.

Hence, Claim 38 is in both novel and non-obvious over the art of record.

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*Information Disclosure Statement (IDS)*

Applicant submits for consideration herewith an IDS including PTO Form 1449 citing twenty-three (23) references. Applicant submits that all claims presented herein distinguish over these references.

*Other Remarks*

Applicant hereby specifically reserves the right to prosecute claims of different or broader scope in a continuation or divisional application, as well as all rights of appeal.

Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention and responding to the aforementioned restriction election, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.

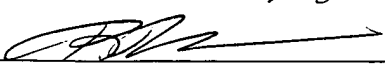
If the Examiner has any questions or comments that may be resolved over the telephone, he/she is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

GAZDZINSKI & ASSOCIATES

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